



1653

Atty. Dkt. No. 073406-0402

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Pelletier, et al.

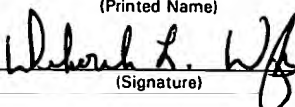
Title: DNA SEQUENCES FROM
STAPHYLOCOCCUS AUREUS
BACTERIOPHAGE 77 THAT
ENCODE ANTI-MICROBIAL
POLYPEPTIDES

Appl. No.: 09/407,804

Filing Date: 09/28/1999

Examiner: R. Mitra

Art Unit: 1653

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. Deborah L. Wykes (Printed Name)  (Signature) April 9, 2003 (Date of Deposit)
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TRANSMITTAL

Commissioner for Patents
Washington, D.C. 20231

Sir:

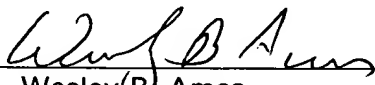
Transmitted herewith are:

- [X] Duplicate of Information Disclosure Statement previously submitted March 28, 2002 (2 pgs.)
- [X] Duplicate of Form PTO 1449 (4 pgs.) and 53 references previously submitted March 28, 2002.
- [X] Copy of postcard

The duplicate copies of the Information Disclosure Statement, Form 1449, and 53 references are being submitted because Applicant was informed by the Examiner in a related case that the references could not be located.

Respectfully submitted,

Date 9 April 2003
FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6714
Facsimile: (858) 792-6773

By 
Wesley B. Ames
Attorney for Applicant
Registration No. 40,893

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Pelletier, et al.
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Examiner: S. Tu

Art Unit: 1653

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<u>Deborah W. Hayes</u>	(Printed Name)
<u>[Signature]</u>	(Signature)
<u>3/28/02</u>	(Date of Deposit)

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.97-98 and in accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant submits herewith the references listed on the attached Form PTO-1449 to the Examiner such that they may be considered and made of record in the above-identified application. A copy of each reference is enclosed.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, but before the mailing date of either a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311. Accordingly, Applicant has enclosed a check in the amount of \$180.00 to cover the fee set forth in 37 C.F.R. § 1.17(p) for Submission of an Information Disclosure Statement under 37 C.F.R. § 1.97(c).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed

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herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

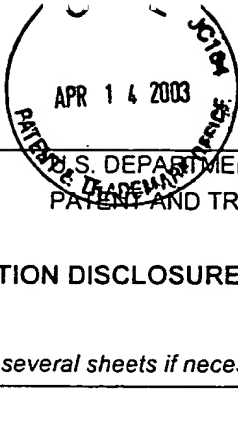
Respectfully submitted,

Date 28 March 2002

By Wesley B. Ames

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Wesley B. Ames
Attorney for Applicant
Registration No. 40,893



Form PTO-1449 (MODIFIED) INFORMATION DISCLOSURE CITATION 14 2003 (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 073406-0402	SERIAL NO. 09/407,804
	APPLICANT Jerry Pelletier, et al.		
	FILING DATE 09/28/1999	GROUP ART UNIT 1653	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A1	3,691,016	09/12/1972	Patel			
	A2	3,969,287	07/13/76	Jaworek et al.			
	A3	4,195,128	03/25/1980	Hildebrand et al.			
	A4	4,229,537	10/21/1980	Hodgins et al.			
	A5	4,247,642	01/27/1981	Hirohara			
	A6	4,330,440	05/18/1982	Ayers et al.			

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FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	A7	EP 0 072 925 A2	03/02/1983	Europe				
	A8	EP 0 748 871 A1	12/18/1996	Europe				
	A9	EP 0 786 519 A2	07/30/1997	Europe				
	A10	WO 89/00199	01/12/1989	WIPO				
	A11	WO 95/27043	10/12/1995	WIPO				

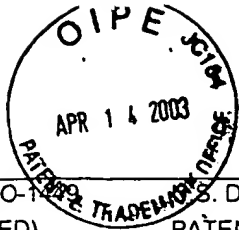
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	A12	Adelman et al., "In Vitro Deletional Mutagenesis For Bacterial Production Of The 20,000-Dalton Form Of Human Pituitary Growth Hormone", DNA, 2(3):183-93, 1983
	A13	Altschul et al., "Gapped BLAST and PSI-BLAST: a new generation of protein database search programs", Nucleic Acids Research, 1997, Vol. 25, No. 17, pp. 3389-3402
	A14	Cohen, "Epidemiology of Drug Resistance: Implications for a Post-Antimicrobial Era", ML Science, Vol. 257, 08/21/1992, pp. 1050-1055
	A15	Diaz et al., "Construction of a broad-host-range pneumococcal promoter-probe plasmid", Gene, 90:163-167, 1990

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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT Jerry Pelletier, et al.	
				FILING DATE 09/28/1999	GROUP ART UNIT 1653
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
	A16	Durfee et al., "The retinoblastoma protein associates with the protein phosphatase type 1 catalytic subunit", Genes & Development, 7:555-569, 1993			
	A17	Eichenbaum et al., "Use of Lactococcal <i>nisA</i> Promoter To Regulate Gene Expression in Gram-Positive Bacteria: Comparison of Induction Level and Promoter Strength", Applied and Environmental Microbiology, 64:2763-2769, 1998			
	A18	Endo et al., "A new protein containing an SH2 domain that inhibits JAK kinases", Nature, 387:921-924, 1997			
	A19	Field et al., "Purifications Of A RAS-Responsive Adenylyl Cyclase Complex From Saccharomyces Cerevisiae By Use Of An Epitope Addition Method", Mol. Cell. Biol., 8:2159-2165, 1988.			
	A20	Fink, "Where are the Limits of Life?", Book Reviews, 322:469-470, 1998			
	A21	Garvey et al., "The complete sequence of <i>Bacillus</i> phage Ø29 gene 16: a protein required for the genome encapsidation reaction", Gene, 40:311-316, 1985			
	A22	Gutierrez et al., "Signals in the Ø29 DNA-Terminal Protein Template for the Initiation of Phage Ø29 DNA Replication", Virology, 155:474-483, 1986			
	A23	Jorgensen et al., "Antimicrobial Resistance among Respiratory Isolates of <i>Haemophilus influenza</i> , <i>Moraxella catarrhalis</i> , and <i>Streptococcus pneumoniae</i> in the United States", Antimicrobial Agents and Chemotherapy, 34:2075-2080, 1990			
	A24	Kaneko et al., "Complete nucleotide sequence and molecular characterization of the temperate staphylococcal bacteriophage ΦPVL carrying Pantom-Valentine leukocidin genes", Genes 215:57-67, 1998			
	A25	Karimova et al., "A bacterial two-hybrid system based on a reconstituted signal transduction pathway", Proc. Natl. Acad. Sci., 95:5752-5756, 1998			
	A26	Katagari et al., "Multiple Possible Sites of BRCA2 Interacting With DNA Repair Protein RAD5 1", Genes, Chromosomes & Cancer, 21:217-222, 1998			
	A27	Kreiwirth et al., "The Toxic Shock Syndrome Exotoxin Structural Gene Is Not Detectably Transmitted By A Prophage", Nature, October 20-26;305(5936):709-12, 1983.			
	A28	Kodaira et al., "The <i>dnaX</i> gene Encodes the DNA Polymerase III Holoenzyme τ Subunit, the <i>dnaZ</i> Gene Product", Mol Gen Genet, 192:80-86, 1983			

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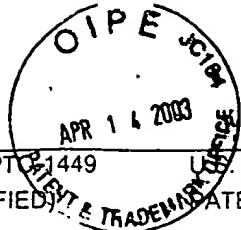
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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT Jerry Pelletier, et al.	
				FILING DATE 09/28/1999	
GROUP ART UNIT 1653					
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
	A29	Lee et al., "Escherichia coli DnaX product, the τ subunit of DNA polymerase III, is a multifunctional protein with single-stranded DNA-dependent ATPase activity", Proc. Natl. Acad. Sci., 84:2713-2717, 1987			
	A30	Loessner et al., "The Two-Component Lysis System Of Staphylococcus Aureus Bacteriophage Twort: A Large TTG-Start Holin And An Associated Amidase Endolysin", FEMS Microbiol Lett., May 15;162(2):265-74, 1998.			
	A31	Maki et al., "DNA Polymerase III Holoenzyme of <i>Escherichia coli</i> ", The Journal of Biological Chemistry, 263:6547-6554, 1988			
	A32	Mancini et al., "Complementation of the fol2 Deletion in <i>Saccharomyces cerevisiae</i> by Human and <i>Escherichia coli</i> Genes Encoding GTP Cyclohydrolase I", Biochemical and Biophysical Research Communications, 255:521-527, 1999			
	A33	Martin et al., "Analysis of the Complete Nucleotide Sequence and Functional Organization of the Genome of <i>Streptococcus pneumoniae</i> Bacteriophage Cp-1", Journal of Virology, 70:3678-3687, 1996			
	A34	McDonnell et al., "Diplophage": A Bacteriophage of <i>Diplococcus pneumoniae</i> ", Virology, 63:577-582, 1975			
	A35	Nardese et al., "Disruption of the GTP-Cyclohydrolase I Gene In <i>Saccharomyces cerevisiae</i> ", Biochemical and Biophysical Research Communications, 218:273-279, 1996			
	A36	Neu, "The Crisis in Antibiotic Resistance", Science, 257:1064-1073, 1992			
	A37	Oskouian et al., "Repression And Catabolite Repression Of The Lactose Operon Of <i>Staphylococcus Aureus</i> ", J. Bacteriol, July, 172(7):3804-12, 1990.			
	A38	Pickett et al., "Encapsulation of Heterologous RNAs by Bacteriophage MS2 Coat Protein", Nucleic Acids Research, 21:4621-4626, 1993			
	A39	Qin et al., "A Strategy for Rapid, High-Confidence Protein Identification", Anal. Chem., 69:3995-4001, 1997			
	A40	Qiu et al., "Dimerization by Translation Initiation Factor 2 Kinase GCN2 Is Mediated by Interactions in the C-Terminal Ribosome-Binding Region and the Protein Kinase Domain", Molecular and Cellular Biology, 18:2697-2711, 1998			
	A41	Reisinger et al., "Lambda Kil-Mediated Lysis Requires the Phage Context", Virology, 193:1033-1036, 1993			
	A42	Rost et al., "Bridging The Protein Sequence-Structure Gap By Structure Predictions", Annu. Rev. Biophys. Biomol. Struct., 25:113-36, 1996			

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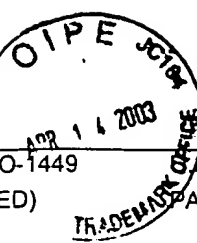
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	A43	Salamov et al., "Combining Sensitive Database Searches With Multiple Intermediates to Detect Distant Homologues", Protein Eng., 12:95-100, 1999
	A44	Schenk et al., "Improved Method For Electroporation of Staphylococcus Aureus", FEMS Microbiology Letters, 94:133-138, 1992.
	A45	Sheehan et al., "The lytic enzyme of the pneumococcal phage Dp-1: a chimeric lysin of intergeneric origin", Molecular Microbiology, 25:717-725, 1997
	A46	Smidt et al., "Physiologic Importance of Pyrroloquinoline Quinone", P.S.E.B.M., 197:19-26, 1991
	A47	Söpta et al., "Isolation of Three Proteins That Bind to Mammalian RNA Polymerase II", 260:10353-10360, 1985
	A48	Steiner et al., "The Missing Link in Phage Lysis of Gram-Positive Bacteria: Gene 14 of Bacillus subtilis Phage Φ29 Encodes the Functional Homolog of Lambda S Protein", Journal of Bacteriology, 175:1038-1042, 1993
	A49	Swanstrom et al., "Agar Layer Method for Production of High Titer Phage Stocks", Proc. Soc. Exptl. Biol. & Med., 78:372-375, 1951.
	A50	Tauriainen et al., "Recombinant Luminescent Bacterial for Measuring Bioavailable Arsenite and Antimonite", Applied and Environmental Microbiology", 63:4456-4461, 1997
	A51	Tomasz, "Model for the Mechanism Controlling the Expression of Competent State in Pneumococcus Cultures", Journal of Bacteriology", 91:1050-1061, 1966
	A52	Tsuchihashi et al., "Translational frameshifting generates the γ subunit of DNA polymerase III holoenzyme", Proc. Natl. Acad. Sci., 87:2516-2520, 1990
	A53	Yoshikawa et al., "Nucleotide sequence analysis of DNA replication origins of the small Bacillus bacteriophages: evolutionary relationships", Gene, 1985

EXAMINER	DATE CONSIDERED
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* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

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